

Atty Docket No. 17682A-005100US

PTO FAX NO.: 703/308-6916

ATTENTION: Examiner Owens  
TELEPHONE NO.:

Group Art Unit 1623

**OFFICIAL COMMUNICATION**  
**FOR THE PERSONAL ATTENTION OF**  
**EXAMINER Owens**

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**CERTIFICATION OF FACSIMILE TRANSMISSION**

PETITIONS OFFICE

I hereby certify that the following document(s) in re Application of Charles R. Petrie et al., Application No. 09/693,213, filed October 19, 2000 for CROSS-LINKING OLIGONUCLEOTIDES is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Document(s) Attached

1. Petition Under 37 CFR 1.47 (2 pgs.) with petition of January 12, 2001 (2 pgs.) and letter to inventor Hurst (1 pg.).

Number of pages being transmitted, including this page: 6

Dated: 11/27/02

  
Nikki Newell

**PLEASE CONFIRM RECEIPT OF THIS PAPER BY  
RETURN FACSIMILE AT (415) 576-0300**

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8th Floor  
San Francisco, CA 94111-3834  
Telephone: 415-576-0200  
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**PATENT**  
Docket No.: 17682A-005100US  
Client Ref. No.: 116E

TOWNSEND and TOWNSEND and CREW LLP

By: Mikki Hewell**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Charles R. Petrie et al.

Application No.: 09/693,213

Filed: October 19, 2000

For: CROSS-LINKING  
OLIGONUCLEOTIDES

Examiner: Owens

Art Unit: 1623

PETITION UNDER 37 C.F.R. 1.47

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PETITIONS OFFICE

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Pursuant to the provisions of 37 C.F.R. 1.47(a), Applicant hereby petitions for filing of the above-identified patent application when a joint inventor cannot be found or reached after diligent effort. Proof of the pertinent facts is given below.

When the application was filed, one of the inventors, Gerald S. Hurst, could not be located. In response to a Notice to file Missing Parts, Applicant filed a petition under 37 C.F.R. 1.47 on January 12, 2001 advising that this inventor could not be located, and requested that the application proceed to examination. A copy of that petition is attached hereto for reference. It states that the last known address of this inventor was 39 Painted Sunset, The Woodlands, Texas 77380.

Our firm received a telephone call from John Gillon, attorney in the Petitions Office, that the file had been reviewed but that the petition under 37 C.F.R. 47 did not include a showing that attempts had been made to locate this inventor.

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See  
Muller

PATENT

Charles R. Petrie et al.  
Application No.: 09/693,213  
Page 2

The undersigned contacted the assignee and was informed that the inventor's last known address was still the above. He then sent the inventor a letter by Federal Express with a copy of the application and a request to execute the Declaration. A copy of that letter is attached hereto.

To date, no response has been received to this letter.

Applicant submits that the co-inventor, Gerald Hurst, cannot be reached after diligent efforts have been made, and requests that this application be filed and prosecuted on behalf of the joint inventors pursuant to 37 C.F.R. 1.47 (a).

CONCLUSION

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned.

Respectfully submitted,

Joel G. Ackerman  
Reg. No. 24,307

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
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JA:ja

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

**PATENT**  
Attorney Docket No.: 17682A-005100US

Assistant Commissioner for Patents  
Washington, D.C. 20231

On: January 12, 2001

TOWNSEND and TOWNSEND and CREW LLP

By: *Jennifer K. Hand*

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Petrie et al.

Application No.: 09/693,213

Filed: October 19, 2000

For: CROSS-LINKING  
OLIGONUCLEOTIDES

Examiner: Unassigned

Art Unit: 1623

PETITION UNDER 37 C.F.R. § 1.47 (a)  
INVENTOR CAN NOT BE REACHED

Box Missing Parts  
Assistant Commissioner for Patents  
Washington, D.C. 20231

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PETITIONS OFFICE

Sir:

In regards to the above-referenced application, Applicants have attempted to contact inventor Gerald Hurst at his last known address and have diligently tried to obtain the whereabouts of Gerald D. Hurst. Mr. Hurst's last known address is 39 Painted Sunset, The Woodlands, Texas 77380. Applicants respectfully request and petition that the above-referenced application may be made on behalf of the other inventors and the nonsigning inventor.

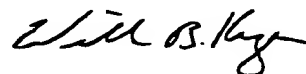
As required, enclosed are copies of the Declarations as filed on October 19, 2000.

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Pursuant to 37 C.F.R. § 1.17(i), please charge the fee of \$130.00 to the undersigned's Deposit Account No. 20-1430. Please charge any additional fees or credit overpayment to the above deposit account. This petition is submitted in triplicate.

Respectfully submitted,



William B. Kezer  
Reg. No. 37,369

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SF 1173300 v1

**TOWNSEND  
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111

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Walnut Creek, California  
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November 19, 2002

**VIA FEDEX**

Gerald D. Hurst  
39 Painted Sunset  
The Woodlands, TX 77380

Re: US Patent Application No. 09/693,213  
For: CROSS-LINKING OLIGONUCLEOTIDES  
Filed: October 19, 2000  
Epoch Reference No.: 116E  
Our File No.: 17682A-005100US

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Dear Dr. Hurst:

At Epoch's request, we filed an application for reissue of U.S. patent 5,824,796, of which you are named as an inventor.

To complete the documentation, your signature is needed on the reissue declaration. Enclosed is a copy of the complete application as filed, together with the necessary declaration. If it is satisfactory, please sign, date and return it to me in the enclosed Federal Express envelope by next Tuesday, November 26.

If you have any questions about this application or the declaration, please call me at the above number.

Thank you very much for your assistance.

Very truly yours,



Joel G. Ackerman  
Of Counsel

JGA:nn  
Enclosures  
SF 1407578 v1